IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WA. No. 216 of 2007()

AGAINST THE JUDGEMENT IN WPC.20696/2006 Dated 01/12/2006
.....

APPELLANT: PETITIONER IN WPC

P.K.SABU, PULIYANAPUZHA,
KIZHATHIRI P.O., RAMAPURAM,
KOTTAYAM DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS: RESPONDENT IN WPC
---

1. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KOTTAYAM.

2. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

3. BOBY JOSEPH, PURAPANTHANAM,
RAMAPURAM BAZAR, PALA.

R1 AND R2 BY GOVT PLEADER SRI T.B.HOOD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN, Ag. C.J. & M.N. KRISHNAN, J.

W.A. No 216 of 2007

Dated: 12th February 2007

JUDGMENT

Radhakrishnan, Ag.C.J.

Heard counsel on both sides. Considering the facts and circumstances of the case, we feel it would be appropriate that a direction be given to the State Transport Appellate Tribunal to pass appropriate orders with notice to all the parties. Counsel for the appellant submitted that before granting permit to the third respondent no Timing Conference was convened with notice to the appellant. It is also brought to our notice that the counter affidavit filed by the third respondent before the Tribunal has not been adverted to. In such circumstances, we set aside the order passed by the State Transport Appellate Tribunal and remand the matter back to the Tribunal for fresh consideration with notice to all the parties. The Tribunal will pass orders untrammelled by the findings of the learned single judge. The appeal is disposed of as above.

Sd/-
K.S. RADHAKRISHNAN
Ag. Chief Justice

Sd/-
M.N. KRISHNAN
Judge

12/02/2007
en/

[true copy]